

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
CENTRAL DIVISION**

**BENJAMIN PITTS,  
ADC #148011**

**PLAINTIFF**

**V.**

**CASE NO. 4:20-CV-849-KGB-BD**

**DEXTER L. PAYNE, *et al.***

**DEFENDANTS**

**ORDER**

Defendants have moved for summary judgment on the claims raised in this lawsuit. (Doc. No. 26) Mr. Pitts may oppose the motion by filing a response no later than June 18, 2021.

In opposing the motion for summary judgment, Mr. Pitts may attach affidavits that he or others have signed. Because affidavits are sworn statements, however, they must be either notarized or declared under penalty of perjury (see 28 U.S.C. § 1746). Unsworn statements will not be considered in deciding the motion for summary judgment. And to be considered, an affidavit must be based on the personal knowledge of the person who signs it.

If Mr. Pitts files a response, he must also file a separate, short statement setting forth the disputed facts that must be decided at a trial. See Local Rule 56.1, Rules of the United States District Court for the Eastern District of Arkansas.

While Mr. Pitts is not required to respond to Defendants' motion, if he does not file a response, the Court may assume that the facts in the Defendants' statement of undisputed facts are true and accurate. (See Doc. No. 27)

IT IS SO ORDERED, this 26th day of May, 2021.

A handwritten signature in black ink, appearing to read "Belton Deen", written over a horizontal line.

UNITED STATES MAGISTRATE JUDGE